REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	18 August 1998
Name of applicant/court:	Secretary for Internal Affairs
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	Sex Teen 1
Other Known Titles:	Wunderlust/The Pool Man Cleans Up/Greg and Elaine/Wishful Sinful
Director:	Not Stated
Producer:	Not Stated
Publisher:	Not Applicable
Author:	Not Applicable
Format:	Video Recording VHS/PAL
Country of Origin:	Not Stated
Language:	Music Soundtrack Only

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Components of film originally examined:

Feature:	Sex Teen 1	Running time:	24.27
Trailers:	Videorama Praesentiert Notice	Running time:	0.13
		Total Running time:	24.40

Excision/Alteration: Yes.

Reason(s) for Excision:

One excision is required to remove a scene in which two females who present as young persons engage in sexual activity with an adult male. The scene tends to promote and support the exploitation of young persons for sexual purposes.

… Please turn over

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Approved components of film after excision:

Feature:	Sex Teen 1	Running time:	18.31
Trailers:	Videorama Praesentiert Notice	Running time:	0.13
		Total Amended Running time:	18.44

Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

Display Conditions:

on film

Either

The film must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Or

The film must not be publicly displayed in any place in which the film is available for supply, and must be shown in that place only to persons who make a direct request for the film.

on poster

Either

Any film poster relating to the film (whether or not the poster is attached to the cassette, case, or other container in which the film is kept), must be publicly displayed only in premises, or a part of premises, set aside for the public display of restricted publications (whether or not articles other than restricted publications are also displayed in those premises or that part of those premises).

Or

Any film poster relating to the film (whether or not the poster is attached to the cassette, case, or other container in which the film is kept), must not be publicly displayed in any place in which the film is available for supply, and must be shown in that place only to persons who make a direct request for the poster.

Descriptive Note:

Contains explicit sex scenes.

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Direction to issue a label has not been given

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SUMMARY OF THE REASONS FOR DECISION:

The classification of the video recording entitled *Sex Teen 1* is altered to:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The video recording was submitted to the Classification Office under s42(1) of the Films, Videos, and Publications Classification Act 1993 (the FVPC Act) for a reconsideration of the classification decision.

The video recording contains a feature comprising four individually titled scenes of sexual activity, predominantly between men and women. There is no plot linking the sexual activity.

The video recording tends to promote and support the exploitation of young persons for sexual purposes. One scene presents two teenage girls engaging in sexual activity with an adult male. The youthfulness of the females is emphasised and developed to a significant extent and degree by way of their physical appearance and demeanour. The females have juvenile hairstyles, wear clothing of a youthful nature, and demonstrate a level of naivety, particularly when the male initially exposes his genitals to them. An interpretation of the two females as young persons is further supported by the title *Sex Teen 1*.

Under s32 of the FVPC Act the Classification Office must consider if it would classify the film differently according to whether any excisions are made. Having considered all the relevant criteria set out in s3 of the FVPC Act, the Classification Office is of the opinion that it would classify the video recording differently if the material resulting in the video recording being deemed objectionable was excised. Consequently excision of the scene of sexual activity involving young persons was requested and subsequently agreed to in writing by the authorised distributor of the video recording in a letter dated 5 August 1998. If the excision is not made the publication will be classified as objectionable.

In view of the explicit nature of the sexual activity depicted, and the fact that the video recording tends to promote and support the exploitation of young persons for sexual purposes, the Classification Office finds that the availability of the publication is likely to be injurious to the public good unless one excision is made and its viewing is restricted to an adult audience.

The video recording has been found to tend to promote and support an activity listed in s3(2) of the FVPC Act, deeming the publication objectionable. This provision overrides s14 of the New Zealand Bill of Rights Act 1990 (the NZBR Act) because it is a deeming provision which cannot be given a meaning that is consistent with the rights and freedoms set out in that section of the NZBR Act. If the material in question were

excised pursuant to s32 of the FVPC Act, s14 of the NZBR Act would apply to the remainder of the publication. However, by virtue of the explicit manner in which the publication deals with matters of sex, the Classification Office considers it a reasonable limit on freedom of expression, as outlined in s5 of the NZBR Act, to place an age restriction on this publication.

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